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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,755	07/12/2001	John Border	PD-201018	2058

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Hughes Electronics Corporation
Patent Docket Administration
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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,755

Applicant(s)

BORDER, JOHN

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Amendment

1. Applicant's arguments filed on January 21, 2005 have been considered and are deemed persuasive. However, they are moot in view of the new ground(s) of rejection.

2. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Kelly et al USPN. 20010048670.

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4. The applied reference has a common assignee (Hughes Electronics Corporation) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Kelly et al teach a network apparatus for providing performance enhancements of a communication network (fig. 1 and abstract), comprising:

a plurality of communication interfaces configured to receive and forward messages according to a prescribed protocol ((see interfaces in fig. 2 and 5a; ¶ 0036-0038 message are received using TCP/IP and its suite of protocols);

a plurality of modules configured to process the messages to effect performance enhancing functions (fig. 4 includes different modules with different functionalities for processing messages ¶ 0059 0070 and ¶ 0085-0090); and

a plurality of buffers configured to store the received

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messages and messages that are generated by one of the plurality of modules, wherein a portion of the plurality of buffers is shared by the plurality of modules based upon execution of a particular one of the performance enhancing functions (§ 0055-0056; § 0090-0098 and § 0108-0112 .See fig. 5b), each of the plurality of buffers has a data structure that includes an expandable header to accommodate different message types (As shown in FIG. 6m, the inroute packet format includes of a variable size header and 0 or more bytes of encapsulated datagrams § 0155-0157. See also fig. 5b).

As per claim 2, Kelly et al teach the network apparatus according to claim 1, wherein the plurality of modules comprises a spoofing module configured to perform selective spoofing of one or more connections within the communication network by adding information to or deleting information from message to enhance performance of the communication network (§ 0070 and § 0156; § 0108-0111), a connection module configured to multiplex a plurality of connections over a common backbone connection established over the communication network(gateway 413 performs traffic multiplex\$5 § 0043; § 0063 and 0068), a prioritization module configured to prioritize access to the backbone connection § 0041; 0094-0095 and § 0108), and a path selection

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module configured to determine a path among a plurality of paths supporting the connection over the communication network (0070-0077 and 0188. fig. 2, fig. 4 and 5a).

As per claim 3, Kelly et al teach the network apparatus according to claim 1, wherein the communication interface includes a local area network (LAN) interface, and a wide area network (WAN) interface, one of the plurality of buffers being designated as a LAN-to-WAN buffer that stores the receive messages in a LAN-to-WAN direction, another one of the plurality of buffers being designated as a WAN-to-LAN buffer that stores the receive messages in a WAN-to-LAN direction (see figs 2, 4 and 5a and (¶ 0055-0056; ¶ 0090-0098 and ¶ 0108-0112)).

As per claim 4, Kelly et al teach the network apparatus according to claim 3, wherein the WAN is satellite network (fig. 1, 107).

As per claim 5, Kelly et al teach the network apparatus according to claim 1, wherein the data structure of the plurality of buffers comprises:

 a specific header field that stores platform specific information; a common header field the stores information known

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to the plurality of modules; a payload field; an offset field that indicates start of the payload field; and a header growth field that provides a variable header length (see fig 5a and figs. 6a, 6e-g and 6m-6p).

As per claim 6, Kelly et al teach the network apparatus according to claim 5, wherein the common header field comprises:

a flag field that specifies direction of message flow; a connection handle field that specifies handle of a backbone connection; and an owner specific field that stores an owner specific header (see fig 5a and figs. 6a, 6e-g and 6m-6p).

As per claim 7, Kelly et al teach the network apparatus according to claim 1, wherein the prescribed protocol is the Transmission Control Protocol (TCP) (§ 0045 and § 0070-0071).

As per claims 8-28, these claims have similar limitations found in corresponding claims of 1-7 above. Therefore, they are rejected with the same rationale.

As per claim 29, Kelly et al teach a memory for storing information for providing performance enhancements of a communication network (see fig. 11, memory 1107 and data

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structures 5a and 6a-6p), the memory comprising a data structure including: a specific header field that stores platform specific information; a common header field the stores information known to the plurality of modules; a payload field; an offset field that indicates start of the payload field; and a header growth field that provides a variable header length (see fig 5a and figs. 6a, 6e-g and 6m-6p).

As per claim 30, Kelly et al teach memory according to claim 29, wherein the common header field comprises: a flag field that specifies direction of message flow; a connection handle field that specifies handle of a backbone connection; and an owner specific field that stores an owner specific header (see fig 5a and figs. 6a, 6e-g and 6m-6p).

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin

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Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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